

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1738 of 1982

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA sd/-

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1. Whether Reporters of Local Papers may be allowed  
to see the judgements? no

2. To be referred to the Reporter or not? no

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3. Whether Their Lordships wish to see the fair copy  
of the judgement? no

4. Whether this case involves a substantial question  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder? no

5. Whether it is to be circulated to the Civil Judge?  
no

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SHUSHILABEN

Versus

TRUSTEES OF MASJID MOHMED AHLEHADIS

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Appearance:

MR PV HATHI for Petitioners

MR SURESH M SHAH for Respondent No. 1

NOTICE SERVED for Respondent No. 2

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CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 09/07/98

ORAL JUDGEMENT

This Revision under Section 29(2) of the Bombay  
Rent Act, 1947 has been filed by the defendants No.2 to 5  
against the concurrent Judgments and Decrees of the two

courts below. The respondent No.6 D.S.Mishra was the tenant in chief. The Suit was filed on two grounds, firstly that the tenant in chief had sub-let the accommodation illegally to the remaining defendants and was deriving monetary benefits. The second ground was that the tenant in chief fell in arrears of rent for more than six months and had failed to pay the same within a month of service of notice of demand and ejectment.

2. The Suit was contested by the tenant in chief and also by the remaining defendants. The trial Court decreed the Suit. An Appeal was preferred which was also dismissed.

3. The tenant in chief D.S.Mishra has not preferred any revision. The instant revision has been preferred by the defendants No.2 to 5.

4. Having heard the learned Counsel for the parties and examining the Judgments of the two courts below and also the material on record I find that no question of law is involved in this revision. The dispute between the parties on the two grounds is concurrently resolved by concurrent findings of the two courts below. As such no interference in the Judgments and decrees passed by the Courts below is needed in this revision.

5. At the end Shri P.V.Hathi, for the revisionist, requested that 2 to 2-1/2 years' time be granted to the petitioner to vacate the premises. This suggestion is not opposed by Shri S.M.Shah for the respondents.

6. In view of the above discussion the revision, having no merit, is hereby dismissed. The parties shall bear their own cost of this revision. The revisionist is however, granted two years' time from today to vacate the disputed accommodation and hand over vacant possession to the landlord. During this period the revisionist shall pay to the landlord mesne profits regularly on the third day of each English calendar month at the rate awarded by the Courts below. Usual undertaking shall be filed in this Court by the revisionist within a period of two weeks from today. Rule discharged with aforesaid direction.

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sd/-

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